

Introduced by Senator Leno

February 22, 2013

An act to amend Section 1946.7 of the Civil Code, relating to residential tenancy.

LEGISLATIVE COUNSEL'S DIGEST

SB 612, as introduced, Leno. Residential tenancy: victims of human trafficking and elder or dependent adult abuse.

Existing law authorizes a tenant to notify the landlord in writing that he or she or a household member, as defined, was a victim of an act of domestic violence, sexual assault, stalking, or abuse of an elder or dependent adult and that the tenant intends to terminate the tenancy. Existing law requires that the tenant attach to the notice to terminate a tenancy a copy of a temporary restraining order or protective order that protects the tenant or household member from further domestic violence, sexual assault, or abuse of an elder or dependent adult, or to attach a report by a peace officer stating that the tenant or household member has filed a report alleging he or she or the household member is a victim of domestic violence, sexual assault, or stalking. Existing law permits the tenant to quit the premises after notification and limits the tenant's obligation for payment of rent, as specified. Existing law requires the notice to terminate the tenancy to be given within 180 days of the date the order was issued or the report was made, or as specified.

This bill would expand these provisions to authorize a tenant to notify the landlord that he or she or a household member is a victim of human trafficking and the tenant intends to terminate the tenancy, as specified. This bill would authorize a tenant to attach to the notice to terminate a tenancy a copy of a report by a peace officer indicating that the tenant or household member filed a report alleging that he or she or the

household member is a victim of human trafficking or abuse of an elder or dependent adult. The bill would authorize the notice to terminate a tenancy to have attached to it, instead of a restraining order, protective order, or peace officer report, documentation from a medical professional, health care provider, licensed mental health services provider, social worker, domestic violence counselor, a sexual assault counselor, or a human trafficking caseworker that the tenant is seeking assistance for physical or mental injuries or abuse resulting from an act of domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or dependent adult.

This bill would prohibit a landlord from disclosing any information provided by a tenant under these provisions to a 3rd party unless the disclosure is consented to in writing or is required by law or order of the court.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1946.7 of the Civil Code is amended to
2 read:
3 1946.7. (a) A tenant may notify the landlord that he or she or
4 a household member was a victim of an act that constitutes an act
5 of domestic violence as defined in Section 6211 of the Family
6 Code, sexual assault as defined in Sections 261, 261.5, 262, 286,
7 288a, or 289 of the Penal Code, stalking as defined in Section
8 1708.7, *human trafficking as defined in Section 236.1 of the Penal*
9 *Code*, or abuse of an elder or a dependent adult as defined in
10 Section 15610.07 of the Welfare and Institutions Code, and that
11 the tenant intends to terminate the tenancy.
12 (b) A notice to terminate a tenancy under this section shall be
13 in writing, with one of the following attached to the notice:
14 (1) A copy of a temporary restraining order, emergency
15 protective order, or protective order lawfully issued pursuant to
16 Part 3 (commencing with Section 6240) or Part 4 (commencing
17 with Section 6300) of Division 10 of the Family Code, Section
18 136.2 of the Penal Code, Section 527.6 of the Code of Civil
19 Procedure, or Section 213.5 or 15657.03 of the Welfare and
20 Institutions Code that protects the tenant or household member

1 from further domestic violence, sexual assault, stalking, *human*
2 *trafficking*, or abuse of an elder or a dependent adult.

3 (2) A copy of a written report by a peace officer employed by
4 a state or local law enforcement agency acting in his or her official
5 capacity, stating that the tenant or household member has filed a
6 report alleging that he or she or the household member is a victim
7 of domestic violence, sexual assault, ~~or~~ stalking, *human trafficking*,
8 *or abuse of an elder or a dependent adult*.

9 (3) (A) *Documentation from a qualified third party acting in*
10 *his or her professional capacity, that the tenant or household*
11 *member is seeking assistance for physical or mental injuries or*
12 *abuse resulting from an act of domestic violence, sexual assault,*
13 *stalking, human trafficking, elder abuse, or dependent adult abuse.*

14 (B) *“Qualified third party,” as used in this section, means a*
15 *medical professional, health care provider, licensed mental health*
16 *services provider, social worker, domestic violence counselor as*
17 *defined in Section 1037.1 of the Evidence Code, a sexual assault*
18 *counselor as defined in Section 1035.2 of the Evidence Code, or*
19 *a human trafficking caseworker as defined in Section 1038.2 of*
20 *the Evidence Code.*

21 (c) The notice to terminate the tenancy shall be given within
22 180 days of the date that any order described in paragraph (1) of
23 subdivision (b) was issued, within 180 days of the date that any
24 written report described in paragraph (2) of subdivision (b) was
25 made, or within the time period described in Section 1946.

26 (d) If notice to terminate the tenancy is provided to the landlord
27 under this section, the tenant shall be responsible for payment of
28 rent for 30 days following the giving of the notice, or within the
29 appropriate period as described in Section 1946, and thereafter
30 shall be released from any rent payment obligation under the rental
31 agreement without penalty. Existing law governing the security
32 deposit shall apply.

33 (e) If within the 30 days following the giving of the notice under
34 this section the tenant quits the premises and the premises are
35 rented to another party, the rent due on the premises for that 30-day
36 period shall be prorated. Existing law governing the security
37 deposit shall apply.

38 (f) Nothing in this section relieves a tenant, other than the tenant
39 who is, or who has a household member who is, a victim of
40 domestic violence, sexual assault, stalking, or abuse of an elder or

1 a dependent adult and members of that tenant's household, from
2 their obligations under the rental agreement.

3 (g) "Household member" as used in this section means a member
4 of the tenant's family who lives in the same household as the
5 tenant.

6 (h) *A landlord shall not disclose any information provided by*
7 *a tenant under this section to a third party unless the disclosure*
8 *satisfies any one of the following:*

9 (1) *The tenant consents in writing to the disclosure.*

10 (2) *The disclosure is required by law or order of the court.*